

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF WEST VIRGINIA  
WHEELING DIVISION**

MARK MCEVOY, JAMES TAWNEY and  
SUSAN TAWNEY, SAMUEL STARK,  
SUSAN DENNISON, MARK GOFF,  
CAROL DELROSSO and GEORGE DELROSSO,  
BENJAMIN PATTERSON, CHAD SILVESTER,  
CLINTON AND CANDACE DRAINER  
IRREVOCABLE TRUST, EBEN FRITTS,  
HEIDI DEEM, JEFFREY L. SALTIS and  
KELLIE D. SALTIS, LANE EVANS and  
MINERVA EVANS, MAYNARD TANNER and  
JENNIFER TANNER, JOAN MEDLEY,  
JACOB COLLETTE and REGINA COLLETTE,  
SCOTT CORCORAN, KATHY JOHNSON,  
and CHRISTINE COCHRAN,  
individually and on behalf of a proposed class,

Plaintiffs,

and

TAMMY CAMPBELL, BONNIE GARRETT,  
COLLEEN GLADWELL, CYNTHIA SIEGMAN,  
LARRY SEDLOCK, MICHAEL PHILLIPS and  
LELIA PHILLIPS, LOREN SMITH,  
KIMBERLY MCCLOUD, GARNETT KEYSER,  
BRUCE PERRONE and SUSAN LEFFLER, and  
NORMAN GOOGEL,  
individually and on behalf of a proposed class,

Plaintiffs-Intervenors,

v.

CIVIL ACTION NO. 5:22-cv-171

DIVERSIFIED ENERGY COMPANY, PLC,  
DIVERSIFIED PRODUCTION, LLC,  
DIVERSIFIED GAS & OIL CORPORATION,  
EQT PRODUCTION COMPANY,  
EQT GATHERING, LLC,  
and  
EQT CORPORATION,

Defendants,

and

CHESTER C. DODD, JR., KATHRYN M. HUNT,  
and LINDA DODD FLUHARTY,

Intervenor-Defendants.

## **PLAINTIFFS-INTERVENORS' COMPLAINT**

Plaintiffs-Intervenors Tammy Campbell, Bonnie Garrett, Colleen Gladwell, Cynthia Siegman, Larry Sedlock, Michael and Lelia Phillips, Loren Smith, Kimberly McCloud, Garnett Keyser, Bruce Perrone and Susan Leffler, and Norman Googel, individually and on behalf of a proposed class (collectively, "Plaintiffs-Intervenors"), join with Plaintiffs Mark McEvoy, James Tawney and Susan Tawney, Samuel Stark, Susan Dennison, Mark Goff, Carol DelRosso and George DelRosso, Benjamin Patterson, Chad Silvester, Clinton and Candace Drainer Irrevocable Trust, Eben Fritts, Heidi Deem, Jeffrey L. Saltis and Kellie D. Saltis, Lane Evans and Minerva Evans, Maynard Tanner and Jennifer Tanner, Joan Medley, Jacob Collette and Regina Collette, Scott Corcoran, Kathy Johnson, and Christine Cochran, individually and on behalf of a proposed class (collectively, "Plaintiffs"), to bring this action against Defendants Diversified Energy Company, PLC; Diversified Production, LLC; and Diversified Gas & Oil Corporation (collectively, "Diversified"), as well as Defendants EQT Production Company; EQT Gathering, LLC; and EQT Corporation (together "EQT," and, with Diversified, the "Defendants"). In support, Plaintiffs-Intervenors respectfully state as follows:

### **STATEMENT OF THE CASE**

1. Plaintiffs-Intervenors adopt and incorporate Paragraphs 1–17 of Plaintiffs' Third Amended Complaint.

### **JURISDICTION AND VENUE**

2. Plaintiffs-Intervenors adopt and incorporate Paragraphs 18–23 of Plaintiffs' Third Amended Complaint.

3. Plaintiffs-Intervenors are individuals who own property in West Virginia.

4. At least one member of the class of Plaintiffs-Intervenors is a citizen of a State different from any defendant under 28 U.S.C. § 1332(d)(2) and all of the other requirements of 28 U.S.C. § 1332(d) have been satisfied as well, including not running afoul of 28 U.S.C. § 1332(d)(4). Plaintiffs-Intervenors, like Plaintiffs, seek an amount sufficient to carry out Defendants' duty to plug and decommission the abandoned wells and associated infrastructure on their property. Because the class members include individuals with more than 23,000 Diversified-owned wells on their property, and because plugging and abandonment costs will be more than \$100,000 per well, the amount in controversy exceeds \$5,000,000.

5. Defendants are subject to this Court's personal jurisdiction because the actions and inactions that caused the harm complained of occurred in this District.

6. Venue is proper in this District and Division under 28 U.S.C. § 1391(b)-(d) because Defendants are deemed to reside in any judicial district in which they are subject to personal jurisdiction when the action is commenced and the Defendants' contacts with this District are sufficient to subject them to personal jurisdiction. In addition to the Plaintiffs whose properties at issue in this action are within this District, the properties of Plaintiffs-Intervenors Tammy Campbell, Bonnie Garrett, Colleen Gladwell, Cynthia Siegman, Michael Phillips and Lelia Phillips, and Loren Smith are within this District as well.

#### **PARTIES**

7. Plaintiffs Mark McEvoy, James and Susan Tawney, Samuel Stark, Susan Dennison, Mark Goff, Carol DelRosso and George DelRosso, Benjamin Patterson, Chad Silvester, Eben Fritts, Heidi Deem, Jeffrey Saltis and Kellie Saltis, Lane Evans and Minerva Evans, Maynard Tanner and Jennifer Tanner, Joan Medley, Jacob Collette and Regina Collette, Scott Corcoran,

Kathy Johnson, and Christine Cochran are all landowners who own property in West Virginia. They are all citizens of West Virginia.

8. Plaintiff Clinton and Candace Drainer Irrevocable Trust is a trust and landowner which owns property in West Virginia. It is a citizen of West Virginia.

9. Plaintiff Susan Dennison is an individual and landowner. She owns approximately 20.65 acres in Harrison County, West Virginia. She is a citizen of Maryland.

10. Plaintiffs-Intervenors Tammy Campbell, Bonnie Garrett, Colleen Gladwell, Cynthia Siegman, Larry Sedlock, Michael and Lelia Phillips, Loren Smith, Kimberly McCloud, Garnett Keyser, Bruce Perrone and Susan Leffler, and Norman Googel are all landowners who own property in West Virginia. They are all citizens of West Virginia.

11. Defendant Diversified Energy Company, PLC is a public limited corporation headquartered in Alabama. Upon information and belief, it is a citizen of Alabama, the place of its principal office, and the United Kingdom, the place of its incorporation, but is not a citizen of West Virginia. Upon further information and belief, it is publicly traded on the London Stock Exchange and does business in West Virginia including through its wholly owned subsidiaries Diversified Production, LLC, and Diversified Gas & Oil Corporation and holds ownership and financial interests in oil and gas wells in West Virginia.

12. Defendant Diversified Production, LLC, is a Pennsylvania limited liability company with a principal office in Birmingham, Alabama, and authorized to do business in West Virginia. Its manager is Diversified Gas & Oil Corporation. It has no other members or managers. Upon information and belief, it is a citizen of Alabama and Pennsylvania but is not a citizen of West Virginia.

13. Defendant Diversified Gas & Oil Corporation is a Delaware corporation with a principal office in Birmingham, Alabama, and authorized to do business in West Virginia. Upon information and belief, it is a citizen of Delaware and Alabama but is not a citizen of West Virginia.

14. Defendant EQT Production Company is a Pennsylvania corporation with principal offices in Pittsburgh, Pennsylvania, that is authorized to do business in West Virginia. Upon information and belief, it is a citizen of Pennsylvania but is not a citizen of West Virginia.

15. Defendant EQT Gathering, LLC, is a Pennsylvania limited liability company with principal offices in Pittsburgh, Pennsylvania, that is authorized to do business in West Virginia. Upon information and belief, it is a citizen of Pennsylvania but is not a citizen of West Virginia.

16. Defendant EQT Corporation is a Pennsylvania Corporation with a principal office in Pittsburgh, Pennsylvania, and authorized to do business in West Virginia. Upon information and belief, it is a citizen of Pennsylvania but is not a citizen of West Virginia.

### **FACTS**

17. Plaintiffs-Intervenors adopt and incorporate Paragraphs 42–97 of Plaintiffs’ Third Amended Complaint.

### **PLAINTIFFS’ SPECIFIC ALLEGATIONS**

18. Plaintiffs-Intervenors adopt and incorporate Paragraphs 98–105 of Plaintiffs’ Third Amended Complaint.

### **Plaintiff Tammy Campbell**

19. Plaintiff Tammy Campbell and her son, Kris Campbell, own approximately 55.5 acres in Monongalia County, West Virginia.

20. The Campbells own the mineral rights as well as the surface estate.

21. Diversified Production, LLC, is listed by the Office of Oil and Gas as the operator of a gas well on the Campbell property.

22. The conventional vertical gas well is known by a unique numerical identifier, called an API number, which is 47-061-00384.

23. Diversified acquired the well from EQT Production Company on or about May 2020 as part of a transaction involving more than 880 other wells.

24. Reports from the Office of Oil and Gas show that the well was drilled in or before 1985.

25. According to the Office of Oil and Gas, the well's operator has not reported natural gas production in any amount since 2021.

26. According to the Office of Oil and Gas, the well has never produced oil.

27. The Office of Oil and Gas lists the status of the well as "abandoned."

28. The sole purpose of the well was the extraction of oil and/or natural gas.

29. Without any mineral production on the Campbell property, there is no purpose and no legal justification for the continued presence of the well or its associated equipment.

30. The well has not been plugged or decommissioned.

31. The well site includes derelict equipment owned by Diversified.

32. Any lease rights that Diversified may have held in the past have since terminated due to lack of mineral production and/or lack of payments to the Campbells.

33. The abandoned well is not reasonable and necessary to extract oil or gas because the well is abandoned and has not been used for that purpose for at least two years.

34. Diversified has no right to leave the unplugged well or the unreclaimed well site on the Campbell property.

**Plaintiff Bonnie Garrett**

35. Plaintiff Bonnie Garrett owns approximately 1.69 acres in Harrison County, West Virginia.

36. Ms. Garrett owns the surface estate and a one-half interest in the mineral rights.

37. Diversified Production, LLC, is listed by the Office of Oil and Gas as the operator of a gas well on the Garrett property.

38. The conventional vertical gas well is known by a unique numerical identifier, called an API number, which is 47-033-01359.

39. Diversified acquired the well from EQT Production Company on or about May 2020 as part of a transaction involving more than 880 other wells.

40. Reports from the Office of Oil and Gas show that the well was drilled in or before 1985.

41. According to the Office of Oil and Gas, the well's operator has not reported natural gas production in any amount since 2020.

42. According to the Office of Oil and Gas, the well has never produced oil.

43. The Office of Oil and Gas lists the status of the well as "abandoned."

44. The sole purpose of the well was the extraction of oil and/or natural gas.

45. Without any mineral production on the Garrett property, there is no purpose and no legal justification for the continued presence of the well or its associated equipment.

46. The well has not been plugged or decommissioned.

47. The well site includes derelict equipment owned by Diversified.

48. Any lease rights that Diversified may have held in the past have since terminated due to lack of mineral production and/or lack of payments to Ms. Garrett.



49. The abandoned well is not reasonable and necessary to extract oil or gas because the well is abandoned and has not been used for that purpose for at least three years.

50. Diversified has no right to leave the unplugged well or the unreclaimed well site on the Garrett property.

**Plaintiff Colleen Gladwell**

51. Plaintiff Colleen Gladwell and her husband, Richard Gladwell, own approximately 10.1 acres in Harrison County, West Virginia.

52. The Gladwells own the surface estate. Upon information and belief, they do not possess the right to produce oil or gas from the property because the mineral estate was severed from the surface estate prior to their acquisition of the property.

53. Diversified Production, LLC, is listed by the Office of Oil and Gas as the operator of a gas well on the Gladwell property.

54. The conventional vertical gas well is known by a unique numerical identifier, called an API number, which is 47-033-03608.

55. The well was acquired by or transferred to Alliance Petroleum in or around 2018; Diversified acquired Alliance Petroleum in or around 2018.

56. Reports from the Office of Oil and Gas show that the well was drilled in or before 1989.

57. As surface owners, the Gladwells are not entitled to royalties or other compensation for mineral production by the mineral estate owner or its lessee.

58. According to the Office of Oil and Gas, Diversified reported natural gas production in 2023.

59. According to the Office of Oil and Gas, the well has not produced oil since 2020.

60. The Office of Oil and Gas lists the status of the well as “active.”

61. The well will require plugging and reclamation upon cessation of mineral production.

62. Diversified is responsible for plugging the well, removing equipment from the Gladwell property, and reclaiming the well site when the well ceases production. As such, the Gladwells hold contingent and/or unmatured claims against Diversified for the plugging and remediation of the well site.

**Plaintiff Cynthia Siegman**

63. Plaintiff Cynthia Siegman and her partner, Vickie Bostic, own two parcels in Marion County, West Virginia, one of approximately 28 acres and another of approximately 44.75 acres.

64. Ms. Siegman and Ms. Bostic own the surface estate of the two parcels. They do not possess the right to produce oil or gas from the properties.

65. As surface owners, Ms. Siegman and Ms. Bostic are not entitled to royalties or other compensation for mineral production by the mineral estate owner(s) or its/their lessee.

66. Diversified Production, LLC, is listed by the Office of Oil and Gas as the operator of three gas wells on the Siegman-Bostic properties.

67. The conventional vertical gas wells are each known by a unique numerical identifier, called an API number, which are 47-049-01317, 47-049-01316, and 47-049-01264.

68. Wells 47-049-01317 and 47-049-01316 are located on the 44-acre property.

69. Well 47-049-01264 is located on the 28-acre property.

70. All three wells were transferred from XTO Energy Inc. to Diversified in or around 2021.

71. Reports from the Office of Oil and Gas show that all three wells were drilled in or before 2001.

72. According to the Office of Oil and Gas, Well 47-049-01317's operator has not reported natural gas production in any amount since 2019.

73. According to the Office of Oil and Gas, the well has never produced oil.

74. The Office of Oil and Gas lists the status of the well as "abandoned."

75. The sole purpose of the well was the extraction of oil and/or natural gas.

76. Without any mineral production on the Siegman-Bostic property, there is no purpose and no legal justification for the continued presence of the well or its associated equipment.

77. The well has not been plugged or decommissioned.

78. The well site includes derelict equipment owned by Diversified.

79. Upon information and belief, pursuant to West Virginia law and the deed severing the mineral estate from Ms. Siegman and Ms. Bostic's surface estate, Diversified has, at most, a limited surface easement implied by law to do what is reasonable and necessary to extract oil and gas from the subsurface of the Siegman-Bostic property.

80. The abandoned well is not reasonable and necessary to extract oil or gas because the well is abandoned and has not been used for that purpose for more than four years.

81. Diversified has no right to leave the unplugged well or the unreclaimed well site on the Ms. Siegman and Ms. Bostic's property.

82. According to the Office of Oil and Gas, Diversified reported natural gas production from Well 47-049-01316 and Well 47-049-01264 in 2023.

83. According to the Office of Oil and Gas, Well 47-049-01316 has never produced oil.

84. According to the Office of Oil and Gas, Well 47-049-01264 has not produced oil since 2012.

85. The Office of Oil and Gas lists the status of Wells 47-049-01316 and 47-049-01264 as “active.”

86. Wells 47-049-01316 and 47-049-01264 will require plugging and reclamation upon cessation of mineral production.

87. Diversified is responsible for plugging the wells, removing equipment from the Siegman-Bostic properties, and reclaiming the well sites when the wells cease production. As such, Ms. Siegman and Ms. Bostic hold contingent and/or unmatured claims against Diversified for the plugging and remediation of the well site.

**Plaintiff Larry Sedlock**

88. Plaintiff Larry Sedlock and his wife, Anita Sedlock, own a parcel of approximately 39.6 acres in Logan County, West Virginia.

89. The Sedlocks own the surface estate. Upon information and belief, they do not possess the right to produce oil or gas from the property because the mineral estate was severed from the surface estate prior to their acquisition of the property.

90. As surface owners, the Sedlocks are not entitled to royalties or other compensation for mineral production by the mineral estate owner or its lessee.

91. Diversified Production, LLC, is listed by the Office of Oil and Gas as the operator of one well on the Sedlock property.

92. The conventional vertical gas well is known by a unique numerical identifier, called an API number, which is 47-045-01994.

93. The well was drilled in or around 2007.

94. The well was transferred to Diversified from Nytis Exploration Company LLC in or about 2020.

95. According to the Office of Oil and Gas, Diversified reported natural gas production from this well in 2023.

96. According to the Office of Oil and Gas, the well has never produced oil.

97. The Office of Oil and Gas lists the status of the well as “active.”

98. The well will require plugging and reclamation upon cessation of mineral production.

99. Diversified is responsible for plugging the well, removing equipment from the Sedlock property, and reclaiming the well site when the well ceases production. As such, the Sedlocks hold contingent and/or unmatured claims against Diversified for the plugging and remediation of the well site.

**Plaintiffs Michael and Lelia Phillips**

100. Plaintiffs Michael Phillips and Lelia Phillips, husband and wife, own approximately 52.8 acres in Harrison County, West Virginia.

101. The Phillipses own the surface estate. Upon information and belief, they do not possess the right to produce oil or gas from the property because the mineral estate was severed from the surface estate prior to their acquisition of the property.

102. As surface owners, the Phillipses are not entitled to royalties or other compensation for mineral production by the mineral estate owner or its lessee.

103. Diversified Production, LLC, is listed by the Office of Oil and Gas as the operator of one well on the Phillips property.

104. The conventional vertical gas well is known by a unique numerical identifier, called an API number, which is 47-033-01070.

105. The well was drilled in or before 1985.

106. The well was acquired by or transferred to Alliance Petroleum in or around 2018; Diversified acquired Alliance Petroleum in or around 2018.

107. According to the Office of Oil and Gas, Diversified reported natural gas production from the well in 2023.

108. According to the Office of Oil and Gas, the well has not produced oil since 2020.

109. The Office of Oil and Gas lists the status of the well as “active.”

110. The well will require plugging and reclamation upon cessation of mineral production.

111. Diversified is responsible for plugging the well, removing equipment from the Phillips property, and reclaiming the well site when the well ceases production. As such, the Phillipses hold contingent and/or unmatured claims against Diversified for the plugging and remediation of the well site.

**Plaintiff Loren Smith**

112. Plaintiff Loren Smith and his nephews, Michael and Larry Smith, own three parcels in Doddridge County, West Virginia: one of approximately 71 acres, another of approximately 11.3 acres, and the third of approximately 41 acres.

113. The Smiths own the surface estate of each parcel. Upon information and belief, they do not possess the right to produce oil or gas from the property because the mineral estate was severed from the surface estate prior to their acquisition of the property.

114. As surface owners, the Smiths are not entitled to royalties or other compensation for mineral production by the mineral estate owner or its lessee.

115. Diversified Production, LLC, is listed by the Office of Oil and Gas as the operator of four wells on the Smith properties.

116. The conventional vertical gas wells are each known by a unique numerical identifier, called an API number, which are: 47-017-01951, 47-017-03504, 47-017-03538, and 47-017-03668.

117. All four were acquired by or transferred to Alliance Petroleum in or around 2018; Diversified acquired Alliance Petroleum in or around 2018.

118. Wells 47-017-01951 and 47-017-03504 are located on the 71-acre parcel.

119. Well 47-017-01951 was drilled in or before 1985.

120. Well 47-017-03504 was drilled in or before 1986.

121. According to the Office of Oil and Gas, Diversified reported natural gas production from Well 47-017-01951 in 2023.

122. According to the Office of Oil and Gas, Well 47-017-01951 has never produced oil.

123. According to the Office of Oil and Gas, Diversified reported natural gas production from Well 47-017-03504 in 2023.

124. According to the Office of Oil and Gas, Well 47-017-03504 has had no oil production since 2013.

125. Well 47-017-03538 is located on the 11-acre parcel.

126. Well 47-017-03538 was drilled in or before 1988.

127. According to the Office of Oil and Gas, Diversified reported natural gas production from Well 47-017-03538 in 2023.

128. According to the Office of Oil and Gas, Well 47-017-03538 has not produced oil since 2014.

129. Well 47-017-03668 is located on the 41-acre property.

130. Well 47-017-03668 was drilled in or before 1988.

131. According to the Office of Oil and Gas, Diversified reported natural gas production from Well 47-017-03668 in 2023.

132. According to the Office of Oil and Gas, the well has not produced oil since 2018.

133. The Office of Oil and Gas lists the status of all four wells as “active.”

134. The wells will require plugging and reclamation upon cessation of mineral production.

135. Diversified is responsible for plugging the wells, removing equipment from the Smiths’ properties, and reclaiming the well sites when the wells cease production. As such, the Smiths hold contingent and/or unmatured claims against Diversified for the plugging and remediation of the well sites.

**Plaintiff Kimberly McCloud**

136. Plaintiff Kimberly McCloud owns approximately 26.2 acres in Logan County, West Virginia.



137. Ms. McCloud owns the surface estate. Upon information and belief, she does not possess the right to produce oil or gas from the property because the mineral estate was severed from the surface estate prior to her acquisition of the property.

138. As a surface owner, Ms. McCloud is not entitled to royalties or other compensation for mineral production by the mineral estate owner or its lessee.

139. Diversified Production, LLC, is listed by the Office of Oil and Gas as the operator of one well on the McCloud property.

140. The conventional vertical gas well is known by a unique numerical identifier, called an API number, which is 47-045-01725.

141. The well was drilled in or around 2005.

142. The well was transferred to or acquired by Diversified from Core Appalachia Operating LLC in or about 2020.

143. According to the Office of Oil and Gas, Diversified reported natural gas production from this well in 2023.

144. According to the Office of Oil and Gas, the well has never produced oil.

145. The Office of Oil and Gas lists the status of the well as “active.”

146. The well will require plugging and reclamation upon cessation of mineral production.

147. Diversified is responsible for plugging the well, removing equipment from the McCloud property, and reclaiming the well site when the well ceases production. As such, Ms. McCloud holds a contingent and/or unmatured claim against Diversified for the plugging and remediation of the well site.

**Plaintiff Garnett Keyser**

148. Plaintiff Garnett Keyser owns approximately 5 acres in Lincoln County, West Virginia.

149. Ms. Keyser owns the surface estate. Upon information and belief, she does not possess the right to produce oil or gas from the property because the mineral estate was severed from the surface estate prior to her acquisition of the property.

150. As a surface owner, Ms. Keyser is not entitled to royalties or other compensation for mineral production by the mineral estate owner or its lessee.

151. Diversified Production, LLC, is listed by the Office of Oil and Gas as the operator of one well on the Keyser property.

152. The conventional vertical gas well is known by a unique numerical identifier, called an API number, which is 47-043-01280.

153. The well was drilled in or around 1985.

154. The well was transferred to or acquired by Diversified from Core Appalachia Operating LLC in or about 2020.

155. According to the Office of Oil and Gas, Diversified reported natural gas production from this well in 2023.

156. According to the Office of Oil and Gas, the well has never produced oil.

157. The Office of Oil and Gas lists the status of the well as “active.”

158. The well will require plugging and reclamation upon cessation of mineral production.

159. Diversified is responsible for plugging the well, removing equipment from the Keyser property, and reclaiming the well site when the well ceases production. As such, Ms.

Keyser holds a contingent and/or unmatured claim against Diversified for the plugging and remediation of the well site.

**Plaintiffs Bruce Perrone and Susan Leffler**

160. Plaintiffs Bruce Perrone and Susan Leffler, husband and wife, own approximately 46.25 acres in Kanawha County, West Virginia.

161. Mr. Perrone and Ms. Leffler own the surface estate. Upon information and belief, they do not possess the right to produce oil or gas from the property because the mineral estate was severed from the surface estate prior to their acquisition of the property.

162. As surface owners, Mr. Perrone and Ms. Leffler are not entitled to royalties or other compensation for mineral production by the mineral estate owner or its lessee.

163. Diversified Production, LLC, is listed by the Office of Oil and Gas as the operator of two wells on Mr. Perrone and Ms. Leffler's property.

164. The two conventional vertical gas wells are each known by unique numerical identifiers, called API numbers, which are 47-039-03851 and 47-039-04016.

165. Both wells were drilled in or before 1985.

166. Both wells were transferred to Diversified from Nytis Exploration Company LLC in or around 2020.

167. According to the Office of Oil and Gas, Diversified reported natural gas production for both wells in 2023.

168. According to the Office of Oil and Gas, neither well has produced oil since 2020.

169. The Office of Oil and Gas lists the status of both wells as "active."

170. Both wells will require plugging and reclamation upon cessation of mineral production.

171. Diversified is responsible for plugging the wells, removing equipment from Mr. Perrone and Ms. Leffler's property, and reclaiming the well sites when the wells cease production. As such, Mr. Perrone and Ms. Leffler hold contingent and/or unmatured claims against Diversified for the plugging and remediation of the well sites.

**Plaintiff Norman Googel**

172. Plaintiff Norman Googel and his wife, Chelena McCoy, own approximately 39.56 acres in Lincoln County, West Virginia.

173. Mr. Googel and Ms. McCoy own the surface estate. Upon information and belief, they do not possess the right to produce oil or gas from the property because the mineral estate was severed from the surface estate prior to their acquisition of the property.

174. As surface owners, Mr. Googel and Ms. McCoy are not entitled to royalties or other compensation for mineral production by the mineral estate owner or its lessee.

175. Diversified Production, LLC, is listed by the Office of Oil and Gas as the operator of a well on the Googel-McCoy property.

176. The conventional vertical gas well is known by a unique numerical identifier, called an API number, which is 47-043-02984.

177. The well was drilled in or before 1988.

178. The well was acquired by or transferred to Alliance Petroleum in or around 2018; Diversified acquired Alliance Petroleum in or around 2018.

179. According to the Office of Oil and Gas, Diversified reported natural gas production from the well in 2023.

180. According to the Office of Oil and Gas, the well has never produced oil.

181. The Office of Oil and Gas lists the status of the well as "active."

182. The well will require plugging and reclamation upon cessation of mineral production.

183. Diversified is responsible for plugging the well, removing equipment from Mr. Googel and Ms. McCoy's property, and reclaiming the well site when the well ceases production. As such, Mr. Googel and Ms. McCoy hold contingent and/or unmatured claims against Diversified for the plugging and remediation of the well site.

### **CLASS ACTION ALLEGATIONS**

184. Plaintiffs-Intervenors adopt and incorporate Paragraphs 475–486 of Plaintiffs' Third Amended Complaint.

185. In addition, Plaintiffs-Intervenors state that their claims are typical of members in both the Voidable Transfer Class and the Common Law Class. All of the Plaintiffs-Intervenors have claims under the Alabama Fraudulent Transfer Act and/or Alabama Uniform Voidable Transactions Act based on Diversified's obligation to plug its wells. Plaintiffs-Intervenors Tammy Campbell, Bonnie Garrett, and Cynthia Siegman have matured claims based on the presence of currently abandoned/nonproducing wells on their property. Plaintiffs-Intervenors Colleen Gladwell, Cynthia Siegman, Larry Sedlock, Michael Phillips and Lelia Phillips, Loren Smith, Kimberly McCloud, Garnett Keyser, Bruce Perrone and Susan Leffler, and Norman Googel have contingent and/or unmatured claims based on Diversified-operated wells for which Diversified has reported recent production. Plaintiffs-Intervenors Tammy Campbell, Bonnie Garrett, and Cynthia Siegman have wells on their property that are currently abandoned/nonproducing and are properly part of the Common Law Class.

**FIRST CAUSE OF ACTION**  
**Trespass by Diversified (Common Law Class only)**

186. Plaintiffs-Intervenors adopt and incorporate Paragraphs 487–494 of Plaintiffs’ Third Amended Complaint.

**SECOND CAUSE OF ACTION**  
**Negligence by Diversified (Common Law Class only)**

187. Plaintiffs-Intervenors adopt and incorporate Paragraphs 495–500 of Plaintiffs’ Third Amended Complaint.

**THIRD CAUSE OF ACTION**  
**Avoidance and Recovery of a Voidable Transfer as the Result of an Actual Fraudulent Transfer (Voidable Transfer Class only)**

188. Plaintiffs-Intervenors adopt and incorporate Paragraphs 501–512 of Plaintiffs’ Third Amended Complaint.

**FOURTH CAUSE OF ACTION**  
**Avoidance and Recovery of Voidable Transfer as the Result of a Constructive Fraudulent Transfer (Voidable Transfer Class only)**

189. Plaintiffs-Intervenors adopt and incorporate Paragraphs 513–521 of Plaintiffs’ Third Amended Complaint.

**REQUEST FOR RELIEF**

Plaintiffs-Intervenors adopt and incorporate Plaintiffs’ Request for Relief in its entirety and respectfully request that the Court award Plaintiffs-Intervenors and all Class members the same relief requested by Plaintiffs, including such other and further relief as is just and equitable under the circumstances.

Trial by jury is demanded for all causes of action so triable.

Dated: March 29, 2024

Respectfully submitted,

/s/ Brian A. Glasser

Brian A. Glasser, Esq. (WVSB No. 6597)  
John W. Barrett, Esq. (WVSB No. 7289)  
Brian R. Swiger (WVSB No. 5872)  
Athanasios Basdekis (WVSB No. 9832)  
J. Lincoln Wolfe (WVSB No. 14117)  
BAILEY & GLASSER, LLP  
209 Capitol Street  
Charleston, West Virginia 25301  
(304) 345-6555 (phone)  
(304) 342-1110 (fax)  
bglasser@baileyglasser.com  
jbarrett@baileyglasser.com  
bswiger@baileyglasser.com  
tbasdekis@baileyglasser.com  
lwolfe@baileyglasser.com

Panida A. Anderson (*admitted pro hac vice*)  
Bailey & Glasser, LLP - DC  
1055 Thomas Jefferson St. NW  
Suite 540  
Washington, DC 20007  
panderson@baileyglasser.com

J. Michael Becher (WVSB No. 10588)  
Joseph M. Lovett (WVSB No. 6926)  
Benjamin Luckett (WVSB No. 11463)  
Amanda Demmerle (WVSB No. 13930)  
Isak Howell (WVSB No. 11558)  
Claire Horan (WVSB No. 14515)  
APPALACHIAN MOUNTAIN ADVOCATES  
P.O. Box 507  
Lewisburg, WV 24901  
(304) 645-9006  
mbecher@appalmad.org  
jlovett@appalmad.org  
bluckett@appalmad.org  
ademmerle@appalmad.org  
ihowell@appalmad.org  
choran@appalmad.org

*Attorneys for Plaintiffs-Intervenors,  
Plaintiffs, and Proposed Class*

**CERTIFICATE OF SERVICE**

I, Brian Glasser, hereby certify that on March 29, 2024, I caused to be filed the foregoing with the Clerk of the Court using the CM/ECF System, which caused a true and accurate copy of such filing to be served upon all attorneys of record.

/s/ Brian A. Glasser  
Brian A. Glasser, Esq. (WVSB No. 6597)